SB Civil Writ Petition No.6260/1994
Shri Sudhir Jain vs Shri Ranjeet Singh & ors
4.10.2007

Hon'ble Mr Justice Ashok Parihar

None for petitioner
Mr Mahendra Shah – for respondent No.1
BY THE COURT:

Petitioner has challenged the award dated 25.8.1994 passed by the Industrial Tribunal-cum-Labour Court, Bharatpur, by which, while holding the termination of services of the respondent No.1 (the concerned workman) as illegal and unjustified, the concerned workman has been ordered to be reinstated with full back wages, however, directions have been issued to recover the amount of back wages from the petitioner and also to take disciplinary action against him for his negligence. The Labour Court observed that since the petitioner did not appear as witness in the present case, the back wages should be recovered from him.

It is for the representative of the department to produce a witness or seek further time to call the witness. The liability in such cursory manner cannot be fastened on the witness unless and until he is summoned by the court.

Be that as it may, before passing any such

directions of recovery from a particular officer, at least some opportunity of hearing ought to have been granted to him even as per the principles of natural justice, however, no such notice was ever issued by the Labour Court to the petitioner. Further, there is nothing on record to show that even the award passed by the Labour Court was challenged by the department. Under the circumstances, the observations and directions made by the Labour Court against the petitioner cannot be sustained in the eyes of law.

Accordingly, the writ petition is allowed. The observations and directions made by the Labour Court against the petitioner in the impugned award dated 1.2.1994 are quashed and set aside.

A copy of this order be sent to the petitioner.

(Ashok Parihar) J.

bnsharma